IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.404 OF 2003

1.Hamoobhai A.M.Patka & others. ... Petitioners.

vs.

M/s.Sheikh Constructions. ... Respondents.

Mr.M.S.Singhavi i/b. M/s.Desai & Diwanji, for Petitioners.

Mr.Pradip Sancheti i/b. Ms.Meena Fulbandhe, for Respondent no.1.

CORAM: D.K.DESHMUKH,J.

DATED: 11th April,2005

P.C.:-

1. By consent of the parties, the Award made by the learned sole Arbitrator impugned in the petition, is set aside. By consent of parties, the dispute between the parties in relation to which the Award

was made by the learned Arbitrator, which is challenged in the present petition is referred to the Hon'ble Mr.Justice S.P.Bharucha (Retired Chief Justice of India).

2. By consent of the parties, it is directed that the learned Arbitrator shall consider the material already produced by the parties on record.

3. Parties shall not be permitted to produce any additional evidence. The learned Arbitrator shall hear the parties and make the Award.

4. The learned Arbitrator is requested to make the Award as expeditiously as possible, considering that the dispute between the parties is going on for a very long time, as far as possible within a period of four months from today.

5. It is made clear that both the parties have given their consent for setting aside the Award subject to their rights to initiate proceedings against each other on the ground that they have violated an order in force made by this Court.

6. It is also agreed between the parties that in so far as

settlement of the suits which are pending in the City Civil Court is concerned, both the parties shall maintain Status quo and shall not enter into the settlement unless and until the Award is made by the Arbitrator. By consent of parties it is directed that the suits which have been filed by the parties in relation to the suit property, which are presently pending in the City Civil Court and the Revenue Tribunal, shall continue to remain pending until the Award is made by the learned Arbitrator.

There shall be no order as to costs.

Petitioners to communicate this order to the learned Arbitrator.